CITY OF ESTELL MANOR

MEETING MINTES

PLANNING & ZONING BOARD

MARCH 22, 2023

The regular meeting of the Estell Manor Planning Board was held at the City Hall, 148 Cumberland Avenue, Estell Manor, New Jersey. The Chairman advised the meeting is in compliance with the Open Public Meeting Act of the State of New Jersey. The meeting was called to order at 7 p.m.

**FLAG SALUTE AND MOMENT OF SILENCE**

**ROLL CALL:**

Present: Aaron Buchanan, Monty Holt, Jeanne Olsen, Dennis Miller, Stephen Teasenfitz, Carolyn Wigglesworth, Mayor Elizabeth Owen and Chairman Al Barbetto.

Absent: Christine Masker, Walter Dilg, Karen Mesler, Samantha Ambrose and Joseph Condo.

Also in attendance were Wayne Caregnato, Zoning Officer, David Scheidegg, Board Engineer and Richard Carlucci, Board Solicitor.

**APPROVAL OF THE JANUIARY 25, 2023 REVISED MEETING MINUTES**

A motion to approve the minutes was made by Mayor Owen, seconded by Mr. Miller, and approved. Abstain: Holt and Buchanan.

**SWEAR IN AARON BUCHANAN AND MONTY HOLT**

Mr. Buchanan and Mr. Holt were sworn in by Solicitor Carlucci.

**NEW BUSINESS**

**GRACE ALLEN SILAS, LLC – BLOCK 42, LOT 19**

Applicant is requesting a use variance and site plan waiver to allow Eastern Equipment Services LLC to utilize 3,500 sq. ft. of the existing building as an outlet for hydraulic hoses and associated components for heavy equipment, equipment repair and sales at 166 Tuckahoe Road in Estell Manor.

Mayor Owen stepped down during discussion and voting on this application.

Mr. Scheidegg stated that he has reviewed this application and prepared a review letter dated March 14, 2023 based upon the revised submission to the board. The subject property is in the VR zoning district. He reviewed the items that can be waived in the site plan and use variance checklist. He recommends the board deem the application complete.

A motion to deem the application complete was made by Mr. Miller and seconded by Mr. Buchanan, and approved will all in favor.

Thomas Bullock, Esquire, was present to represent the applicant, principals of the applicant. Mr. Bullock stated the property located at 166 Tuckahoe Road and the property across the street from it received board approval in the early 1970’s and was constructed as an industrial facility and used as a machine shop since that time. In 1982 they received a variance to expand the building which was a non-conforming use. A complete copy of the variance approval is not available, however there is a letter from the zoning office indicating a use variance was granted and the building could be rebuilt if destroyed. He stated the building conforms with the approvals that were granted.

Mr. Bullock stated the applicant discussed the proposed use with the zoning officer and he suggested they appear before the board. A zoning permit or a zoning denial were not obtained. He feels the proposed use is the same type of use as previously approved by the board. There are no changes proposed to the size of the building, lighting, parking or drainage. He feels the proposed use is less intense than when the variance was granted. He stated that retail sales are not proposed as part of the application and that retail sales are not defined in the ordinance.

John Hale, 619 Springwoods Court, Mays Landing, was sworn. Mr. Hale testified that he is familiar with the site and that he purchased this property from John Hoffman owner of Jersey Mold in 2003. At that time there were approximately 20-25 employees, at least 30 parking spaces and 6 bathrooms. He discussed his business and the two other commercial uses that occupied the building while he owned it. One of the occupants was Lenape Tool and Mold and they still operate their business on this site. He discussed the number of employees on site throughout the years. Deliveries were made to the site approximately 2 times per week. During the time he owned the property he never received a complaint from a neighbor or governmental agency. During this time the lot across the street was not used very much for parking due to the less intense use. The only waste material generated by the machine shop is approximately one gallon of cutting oil.

William Ferronto, 16 Pennsylvania Avenue, Dorothy, was sworn. He testified that he has been in the heavy equipment business for 35 years. The applicant does his hydraulic repairs. The applicant has equipment to remove, repair and replace hydraulics and a truck to go to different sites to make repairs. He is familiar with the site and the lot across the street. Vehicles were always parked behind the building and on the vacant lot. He testified there are fewer cars parked on site now than there was previously.

Daniel Guy, 179 Third Avenue, Estell Manor, was sworn. He has lived here for 19 years. He is a real estate agent. He has sold property on fifth Avenue and this commercial site was not an issue. He is familiar with this site and believes it has no negative impact on property values in the area. The property is located on a major street and no one has to enter fifth Avenue to get to the site. He has been inside of the commercial building and finds it is not set up for a residence. He feels there were more cars there previously than there are now.

Matthew Ambrose, principal of Eastern Equipment Services, 183 Third Avenue, Estell Manor, was sworn. He has done hydraulic repairs on his own for 3 years. He worked for a contractor in Vineland doing hydraulic repairs prior to that. He described the table that releases cylinders and special measuring tools for taking seals out and measuring, reconditioning and replacing. He owns a large truck and is able to serve all South Jersey. He has done work as far as Philadelphia. He does some work at the property since some work must be done inside a clean and controlled environment. He generates approximately 10 gallons of oil per month and there is an onsite recycling system. The oil is pumped into tanks that are on site and then picked up and recycled at no cost to him. There have never been any oil spills. The only time there are any fumes is if he has to use a torch. There is no hazardous waste material other than the oil. He has not received any violations from any agencies.

Mr. Ambrose testified he has moved most of his business onto this site. There is a machine shop with 8 employees that also utilizes the building Monday through Friday. He does not believe that any noise generated by this use can be heard outside the building. He is not aware of any drainage issues. He stated there are at least 30 spaces on the building side of Fifth Avenue and 6 bathrooms. He currently has 3 employees and will soon have 5 or 6. He testified there are two waste oil tanks and each one holds 275 gallons.

Mr. Ambrose testified there is also a plumber that uses one of the outbuildings for storage. He stated that if a machine needs hydraulic work, it can go inside of the building to be repaired. Some work can be done in the fenced are on site but not on the road. About 60% to 75% of the work is done off site. The equipment he works on is large and most of the time it makes more sense to do the work offsite. There is no outside display of items. He further stated that the oil tanks are located outside and they are not contained. Mr. Caregnato explained that the NJDEP requires the tanks are contained in case of a leak. He has no plans to utilize the cleared stone parking area across the street. The vacant lot will only be used for daytime parking for employees and will not be used for storage. The hours of operation will be 8 a.m. until 5 p.m. Monday through Friday. He does off site emergency work on the weekends

Mr. Bullock stated that the size of the sign will not change only the wording.

Mr. Caregnato stated the hose shop and the machine shop are classified as the same use under the NJ Uniform Construction Code.

A motion to open the meeting to the public was made by Mr. Buchanan, seconded by Mr. Teasenfitz, and approved with all in favor.

Nancy Newgas, 164 Tuckahoe Road, Estell Manor, was sworn. She has lived next door to the subject property since 1992. She testified that she has been woken up as early as 6 a.m. since the applicant has moved onto the property. There is more noise coming from the site than there ever was before. She is opposed to the application. Her main concerns are noise, the environment, well water and property values. She stated the applicant’s website states there is a storefront to serve its customers. She had questions regarding the ordinances. She urged the board not to approve the application since it would be a significant detriment to the quality of life and a negative impact on private wells and property values. She reviewed a recent discussion she had with Mr. Hoffman regarding the site. She agreed there are less vehicles being parked on site during the day.

Joel Cossaboon, 204 Fifth Avenue, Estell Manor, was sworn. He testified that trucks have been on this site earlier than 6 a.m. since he purchased his home. He runs a pest control business and there are six cars parked on his property. He has commercial vehicles and pesticides on his property that are regulated. He is not concerned since there are systems in place for oil spills.

Raymond Newgas, 164 Tuckahoe Road, Estell Manor, was sworn. His concerns are the noise made by the backup beepers in the morning. Mr. Caregnato explained that Estell Manor does not have a noise ordinance and that noise decibels are measured by the County Health Department.

Mr. Ambrose testified that he goes to this location in the morning before he goes to his full-time job. He is in the process of moving things to the site now. Once his equipment is moved, he won’t have to be there early in the morning.

Maurice Murphy, 181 Third Avenue, Estell Manor, was sworn. He lives near Mr. Ambrose’s home and he does not hear the beeper. He is in favor of commercial rateables. He doesn’t understand why a use variance is needed since the property is grandfathered. He is in favor of the application.

Ed Burns, 202 Fifth Avenue, Estell Manor, was sworn. He lives three properties from this site. He is familiar with the machine shop. He has concerns about the hydraulic oil leaking into the water table. He has worked in hydraulics for over 35 years and he is concerned about the noise, the oil drums being outside the building and the property values.

Sandra Walczak, 202 Fifth Avenue, Estell Manor, was sworn. She spoke on behalf of her neighbor Joan Ale, who lives at 203 Fifth Avenue. Her concerns are the noise and vehicles being parked on the vacant lot that need repair.

Lydia Black, 179 Third Avenue, Estell Manor, was sworn. She lived at 206 Fifth Avenue previously. The business was there when she moved into the property. She could hear some noise when she was outside but it was not a detriment. The business did not hurt the property value of her home.

Thomas Graff, 176 Tuckahoe Road, Estell Manor, was sworn. He used to walk his dogs around 6 a.m. and often there was activity on this site. He does have concerns about the drinking water but this was a concern when he moved into Estell Manor.

Nelson Dilg, 160 Fifth Avenue, Estell Manor, was sworn. He stated the property will always be used as an industrial/commercial property. The applicants have lived in the city for several years and they are raising their 3 children here. He testified the applicants are responsible people and they are taking this very seriously. He is in favor of the application.

Lita Ellsworth, 178 Tuckahoe Road, Estell Manor, was sworn. She has known Mrs. Ambrose 15 years and finds she is an outstanding person. She feels the applicants will do the right thing and will follow protocol. She feels it is common sense when purchasing a property next to a machine shop that it would generate noise.

Daniel Guy, previously sworn, testified that most homes in the city utilize oil or propane. Most oil tanks are located outside of the home. He doesn’t believe there will be a problem with oil spills.

Committeeman Dilg, previously sworn, suggested that a condition of any approval be that all oils are stored inside the building.

A motion to close the meeting to the public was made by Mr. Teasenfitz, seconded by Mr. Buchanan, and approved with all in favor.

Mr. Bullock gave his closing arguments and stated that the applicant is in favor of the conditions of approval.

Solicitor Carlucci stated the argument made by Mr. Bullock is that the heavy equipment repair facility is substantially similar to the machine shop that has utilized this property. Currently there are three uses, the machine shop, storage for a plumber and a proposed hydraulic repair facility. The ordinance does not allow two or more principal uses in a building without a variance. The board must determine if this site is particularly well suited for these uses. The board must also determine if the positives in granting the variance outweigh any negative detriment. He reviewed case law.

Mr. Ambrose testified the machine shop has started between 3:00 and 4:00 a.m. for 20 years and no one has complained. He agreed the hours of operation for Eastern Equipment Services will be 7 a.m. until 6 p.m.

A motion was made by Chairman Barbetto and seconded by Mr. Teasenfitz that the proposed heavy equipment repair use is substantially similar to the machine shop that is present on the property. In favor: Olsen, Buchanan, Miller, Teasenfitz, Holt, Wigglesworth, Barbetto.

A motion was made by Mr. Teasenfitz and seconded by Mr. Buchanan that the subject site is particularly well suited for the proposed use. In favor: Olsen, Buchanan, Miller, Teasenfitz, Holt, Wigglesworth, Barbetto.

A motion was made by Mr. Teasenfitz and seconded by Mr. Buchanan, to approve the use variance to allow the three uses on this site; the machine shop, storage for the plumber, and the proposed heavy equipment use, and that in the event there is a change in of occupant the applicant must return to the board for approval. In favor: Olsen, Buchanan, Miller, Teasenfitz, Holt, Wigglesworth, Barbetto.

A motion was made by Mr. Buchanan and seconded by Mr. Teasenfitz to impose the following conditions of approval (1) the containment of the waste oil and that the tanks are in compliance with the NJDEP standards (2) the cylinders must be repaired inside the building (3) the hours of operation for the applicant’s business is 7 a.m. until 6 p.m. (4) board approval is needed to use the lot across the street for anything other than daytime employee parking (5) the applicant must return to the board for any change of any occupants. In favor: Olsen, Buchanan, Miller, Teasenfitz, Holt, Wigglesworth, Barbetto.

Mayor Owen rejoined the board at this time.

**ZONING REPORT:**

Mr. Caregnato stated he has submitted his report and is continuing to work on code violations.

A motion to accept the zoning report was made by Mayor Owen, seconded by Mr. Buchanan, and approved with all in favor.

**PUBLIC PORTION**

A motion to open the meeting to the public was made by Mayor Owen, seconded by Mr. Buchanan, and approved with all in favor.

Nelson Dilg, previously sworn, informed the board that the property at 170 Route 50 that received board approval to operate a rehabilitation facility and an extension of time to allow the variance to remain in effect for two years rather than one year is now on the market for 5 million dollars.

A resident living at 159 Broad Street, has forwarded correspondence to the board and committee in consideration of revisions to ordinance 380-14A (3) (a). Copies of the correspondence will be forwarded to the board members.

Hearing no further comment, a motion to close the public portion was made by Mayor Owen, seconded by Mr. Buchanan, and approved with all in favor.

**ADJOURNMENT**

A motion to adjourn the meeting was made by Mayor Owen, seconded by Mr. Buchanan, and approved. The meeting was adjourned at 9:35 p.m.

Submitted by,

Shelley Lea

Planning Board Secretary